UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,568	11/12/2003	Yoshitaka Nakayama	17210	6919

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EXAMINER
MORAN, RANDAL D

ART UNIT	PAPER NUMBER
2135	

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07/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 April 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-11* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claims 4 and 12 are canceled. Claims 1-3 and 5-11 are pending.

This Office Action is in response to RCE filed 4/22/2008.

Below, Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully each reference in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/22/2008 has been entered.

Art Unit: 2135

<p align="center">*Claim Rejections - 35 USC § 102*</p>

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-12** are rejected under 35 U.S.C. 102(b) as being anticipated by

Touboul (US 6,092,194), hereafter "Touboul".

Considering **Claims 1-3, 10, and 11,** Touboul discloses a permission token

management method (column 4- lines 14-28, Fig. 2, Fig. 3) comprising the steps of:

storing tokens which correspond respectively to a plurality of permissions installed in a

terminal (column 4- lines 14-40, Fig. 3) and are calculated by a predetermined

conversion process performed to permission character strings indicating the

permissions (column 4- lines 45-47, digital hash of the downloadable code); the

permissions being restricted functions used by one or more application programs during

normal operation (column 4- lines 14-28 and 62-65), when a permission character string

indicating a specific permission is input (column 4- lines 41-45), performing the

predetermined conversion process to the permission character string (column 4- lines

41-45); and searching a token table using a token which is a conversion result of the

conversion process (column 5- lines 24-29), and determining whether the token exists in

the token table or not (column 5- lines 24-29, column 6- lines 4-12).

Considering **Claims 5 and 10-12,** Touboul discloses a permission token

management method (column 4- lines 14-28, Fig. 2, Fig. 3) comprising the steps of:

storing tokens which correspond respectively to a plurality of permissions installed in a terminal (column 4- lines 14-40, Fig. 3) and are calculated by performing a predetermined conversion process to permission character strings indicating the permissions (column 4- lines 45-47, digital hash of the downloadable code); the permissions being restricted functions used by one or more application programs during normal operation (column 4- lines 14-28 and 62-65), when a permission character string indicating a permission necessary for normally operating an application program intended to be downloaded is input (column 4- lines 41-45, column 6- lines 4-12), outputting a search request including the permission character string (column 4- lines 62-67, column 5- lines 1-16); performing the predetermined conversion process to the permission character string included in the search request (column 4- lines 45-47), and outputting a token which is a conversion result (column 4- lines 41-61); and by using the token (column 5- lines 4-16), determining whether a permission necessary for normally operating the application program is installed in the terminal or not (column 5- lines 24-29).

Considering **Claim 6**, Touboul discloses a token attribute information table (column 4- lines 14-28, Fig. 2, Fig. 3) within which, relating to each of the plurality of permissions installed in the terminal, a token of the permission and attribute information including conditions of use are registered in correspondence with each other (column 4- lines 14-28); a permission database (column 4- lines 21-28); token obtaining means for, when a permission character string indicating a permission desired for use is output from the application program at the time of executing the application program (column

4- lines 41-61), outputting a token obtaining request including the permission character string to the conversion means (column 4- lines 41-61), and receiving a token output from the conversion means responding to the token obtaining request (column 5- lines 4-15); and second searching means for determining whether to authorize the application program to use the permission or not (column 6- lines 13-24), in accordance with the attribute information of the permission which corresponds to the token and is obtained by searching the permission database using the token received by the token obtaining means (column 4- lines 62-67, column 5- lines 1-15); wherein the conversion means has a function of, responding to the token obtaining request from the token obtaining means, performing the predetermined conversion process to the permission character string being requested for obtaining the token (column 4- lines 45-46), and outputting a conversion result to the token obtaining means (column 5- lines 4-15), and the search request/saving means has a function of, when the permission necessary for normally operating the application program is determined by the first searching means to be installed in the terminal (column 5- lines 24-29), obtaining the attribute information of the permission from the token attribute information table column 5- lines 36-38), and registering in the permission database the attribute information and the token of the permission in correspondence with each other (column 4- lines 14-28 and 57-61).

Considering **Claim 7,** Touboul discloses the conditions of use of the permission include an identifier of the application program (column 4- lines 41-45).

Considering **Claim 8,** Touboul discloses the conversion means has a function of obtaining a hash value corresponding to a permission character string (column 4- lines 45-47).

Considering **Claim 9,** Touboul discloses the token has less number of characters than that of the permission character string (column 4- lines 45-47, column 9- lines 43-56, Fig. 8).

Response to Arguments

Applicant's arguments filed 9/24/2007 have been fully considered but they are not persuasive. With respect to applicants arguments that Touboul fails to teach the permissions being restricted functions used by one or more application programs duting normal operation. Examiner disagrees and directs the applicant to Touboul- column 4- lines 13-40 and 62-65, Fig. 3. Touboul figure 3 explicitly discloses Known Downloadables corresponding to various security policies. As per applicants' arguments, p. 7 line 1, permission is defined as "a function restricted for security purposes." A permission being a restricted function can reasonably be read to be security policies.

Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., permissions are defined in the specification as "a function restricted for security purposes") are not recited in the rejected claim(s). Although the claims are

Art Unit: 2135

interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randal D. Moran whose telephone number is 571-270-1255. The examiner can normally be reached on M-F: 7:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. D. M./
Examiner, Art Unit 2135
6/18/2008